

APPENDIX 5

SAMPLE TERMS AND CONDITIONS OF AWARD

The following terms and conditions are intended primarily for construction and modernization grants. They need to be modified, as necessary, for major A&R projects under other types of grants. OPERA and/or OGC should be consulted, as necessary, prior to modification.

Any program-specific requirements, including any requirements in the funding opportunity announcement that are not specified in the NIH Grants Policy Statement or program guidelines (e.g., security requirements or allowable costs), should be added to these terms and conditions.

*Text in parentheses shown in **bold italics** should be deleted once the specific information is filled in.*

TERMS AND CONDITIONS OF AWARD

(Insert Grant Number)

1. This award is for the (***specify construction or modernization***) of (***insert number***) net square (***choose either meters or feet***) of (***insert appropriate description such as: “a Regional Bio-containment Laboratory”, “biomedical and behavioral research”, “animal facility,” etc.***) space in the (***insert location of space {floor, rooms, etc.} and name of building***).

2. Grant Award Computation:

- | | |
|---|----------|
| a. Total Project Costs: | \$ _____ |
| b. Total Approved Budget (NIH funding + any required matching): | \$ _____ |
| c. Federal Share of “b”: | \$ _____ |
| d. Federal Percentage of “b”: | % _____ |
| e. Non-Federal Percentage of “b”: | % _____ |

*The amount shown in 1.c. is based on the Federal share of the estimated total allowable project costs based on _____ (**enter the percentage of federal participation, such as 50%, 75%, etc.**) of the total approved budget and represents a ceiling on the NIH award amount. Once total actual allowable project costs are determined following project completion, the Federal share will be recalculated and may result in an amount that is less than what is shown in 1.c.*

3. All funds except (***indicate specific amount of funds immediately available for expenditure***) are restricted and may not be used without the written prior approval of the GMO. Funds will be released through the issuance of a revised Notice of Award as negotiated milestones are met or required approvals are obtained.

4. ***Allowability of a project period extension (choose one):***

- a. An extension of the budget and/or project period end date requires the prior approval of the ***(insert name of IC)***.
 - b. All funds must be fully expended by June 30, ***(insert applicable year)*** and fully disbursed on the Federal Cash Transaction Report for the quarter ending on June 30. An extension of the budget and/or project period end date will not be permitted under Expanded Authorities or by the NIH awarding component.
5. Schematic design, design development, and final design documents, including detailed cost estimates, must be submitted for review and approval by the ***(insert name of IC)***. Documents should be sent to the following: ***(insert name and address of individual to whom documents are to be sent.)***
6. Contracts and other binding arrangements for the construction or modernization of the grant-supported space must be effective no later than ***(insert date by which the recipient must start construction or modernization)***. The estimated date of completion of the proposed construction project is ***(insert date)***.
7. An authorized organizational representative of the awardee must notify the Grants Management Specialist named below immediately upon completion of the construction project or beneficial occupancy, whichever comes first to initiate the closeout procedures applicable to this award.
8. The space constructed or modernized under this award, which includes NIH funds and any required matching funds, must be used for ***(insert appropriate use of space such as: “NIAID Biodefense Agenda or other NIAID approved biomedical research activities”, “biomedical or behavioral research”, etc.)*** for ***(insert period of Federal interest, such as 20 years after beneficial occupancy)*** unless otherwise approved by ***(insert name of NIH IC)***.
9. ***(Include the following term if NEPA applies)***. Due to the nature of this project, NIH requires that the awardee follow the National Environmental Policy Act (NEPA requirements). The preparation of an ***(specify Environmental Impact Statement and/or Environmental Analysis)*** is the responsibility of the awardee; however, NIH is responsible for the complete review, recommendation, and approval of the process and reports. The ***(insert name of IC)*** will assist the awardee in carrying out the required procedures. The awardee also is required to publicly disclose the project in a newspaper or other publicly available medium and to describe its environmental impact.
10. Program income will be subject to the deductive alternative during the period of grant support. Proceeds from the sale or lease of grant-supported property shall be handled in accordance with the requirements of the property standards, as specified in 42 CFR 52b.9 and 45 CFR 74.32 or 45 CFR 92.31.

11. Records for real property shall be retained for three (3) years after final disposition of the property or until the end of the period of Federal interest whichever comes earlier.

Add: Grants Management Specialist Name and Contact Information

ACCEPTANCE OF AWARD
(*Insert Grant Number*)

This award and all the terms and conditions to which it is subject are hereby accepted:

Authorized Organizational Representative: _____

Title: _____

Date: _____